

	Effective Date:		09-12-2011
	Policy #:		H-019
	Supersedes:		
Subject: PHI Use and Disclosure - Verification		Page	1 of 3

PURPOSE

To establish a verification process.

DEFINITIONS

Refer to HIPAA Policies and Procedures Definitions Glossary.

POLICY

Prior to making a disclosure or processing an individual right request, the LARA personnel must:

1. Verify the identity of a person requesting PHI and the authority of any such person to have access to protected health information
2. Obtain any documentation, statements or representations, whether oral or written, from the person requesting the protected health information when such documentation, statement or representation is a condition of disclosure or processing.

PROCEDURES

Obtain any document, statements or representations, oral or written, from the person requesting the protected health information when such documentation, statement or representation is a condition of the disclosure or processing

When requests are made in person ask for a pictured ID or medical ID card, and if personal representative, the related document granting authority. Document the verification.

Written Requests: must have the name, relationship to individual if personal representative, a copy of the related documentation if a personal representative, ID#, signature, and preferably address and phone number.

	Effective Date:	09-12-2011	
	Policy #:	H-019	
	Supersedes:		
Subject: PHI Use and Disclosure - Verification		Page	2 of 3

<i>Requested by:</i>	<i>Action</i>
The Individual	Ask for Medicaid Id number, date of birth, last four digits of social security number, complete address and phone number
A Family Member, Guardian, Foster Parent, Patient Advocate, Personal Representative, etc	Ask for relationship of individual, individual's Medicaid ID, date of birth, last four digits of social security and complete address and phone number Verifying the authority of representative on the Beneficiary Provider communication Tracking System or similar database. Or, if available, request the individual verbally authorize DLARA to speak to the representative on the individual's behalf. If the individual is not available or the representative is not documented on the BPCT, the Department of Human Services CMIS or related database, refer the representative to the Privacy Officer to document the authority of the representative on the designated database for future reference.
A Provider	Ask for Medicaid ID number or other identifiable number such as NABP pharmacy, Beneficiary ID number, and Beneficiary's address.
A Legislator	A legislator must submit a signed HIPAA complaint authorization. If agency is not familiar with legislator, they must submit the request in writing on letterhead. Faxes are acceptable.

	Effective Date:		09-12-2011
	Policy #:		H-019
	Supersedes:		
Subject: PHI Use and Disclosure - Verification		Page	3 of 3

Public Official	<p>Requested to see the badge, identification card, or other credentials. If requested by writing, official letterhead is acceptable. To verify authority a written statement of the legal authority under which information is requested or if written statement would be unacceptable. Any warrants, subpoenas. Orders or other legal process must be issued by a grand jury or a judicial or administrative tribunal.</p>
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* Other applicable privacy or confidentiality laws can be more restrictive than HIPAA. Laws that provide the individual with greater privacy protection or rights must be complied with. (Examples of State and Federal laws are: Medicaid, Substance Abuse, Public Health Code, HIV/AIDS/STDs, and Mental Health Code). When in doubt, contact the LARA Privacy Officer.

REFERENCE

[45 CFR 164.514\(h\), 164.512\(a\), 164.512\(f\), 164.502\(f\), 164.510\(b\)](#)